

REMARKS

The foregoing amendment does not include the introduction of new matter into the present application for invention. Therefore, the Applicant, respectfully, requests that the above amendment be entered in and that the claims to the present application be, kindly, reconsidered.

The Office Action dated October 21, 2004 has been received and considered by the Applicants. Claims 1-13 are pending in the present application for invention. Claims 1-5, 10, and 13 stand rejected and Claims 6-9, 11, and 12 are objected to by the October 21, 2004 Office Action. New Claims 15-21 have been added bring the total number of Claims in the present application for invention that are to be examined to 20. Claim 14 was cancelled in response to a restriction requirement; therefore, cancelled Claim 14 does not count towards the number of Claims being examined in the present case.

The Office Action rejects Claim 9 under the provisions of 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states that Claim 9 sets forth "the conductive material" which lacks antecedent basis, thus rendering the claim vague and indefinite. The foregoing amendment to the claim has corrected this oversight by changing this term to "the electrically conductive material" which provides the antecedent basis.

The Office Action rejects Claims 1, 3, and 4 under the provisions of 35 U.S.C. §102(b) as being anticipated by WO 98/40930 (hereinafter referred to as WO'930). The Examiner, states that WO'930 discloses an information carrier provided with a storage unit (42), an integrated circuit (10) and a first (52) and a second coupling element (54) for the transfer of data and energy between a base station and the integrated circuit (10), which first and second coupling element (52,54) in the operational state are each coupled to both the base station and the integrated circuit (10), and which coupling elements are coupled contactlessly to the base station (inductive coupling 52, 54), while the first coupling element is coupled to the integrated circuit (10) by capacitive coupling (19, 66). The foregoing amendment to the claims has amended the claims to define subject matter for the information carrier being a disc with the first and the second coupling elements comprising first and second conductive layers within the disc. The Applicants,

respectfully, submit the WO'930 does not disclose or suggest a disc with the first and the second coupling elements comprised by first and second conductive layers within the disc. Accordingly, Claims 1, 3, and 4 are believed to be allowable after amendment.

The Office Action rejects Claims 2, 5, 10, 13 under the provisions of 35U.S.C. §103(a) as being unpatentable over WO'930 in view of U.S. Patent No. 6,044,046 issued to Diezmann et al. (hereinafter referred to as Diezmann et al.). The Examiner states that WO'930 discloses the elements of the rejected claims except for the coupling elements being capacitively coupled to a base station and or the information carrier being an optically readable disc. The Examiner states that Diezmann et al. disclose an optically disc having coupling elements that are capacitively coupled to a base station.

The Examiner further states that it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the information carrier of WO'930 an optical disk as taught by Diezmann et al. The foregoing amendment to the rejected claims has altered the claims to define subject matter for an optically readable storage unit having a first and a second coupling elements, wherein the first and the second coupling elements comprising a first and a second conductive layer within the disc. The Applicants, respectfully, submit that the cited references, WO'930 and Diezmann et al., either alone or in combination do not disclose or suggest the first and the second coupling elements comprising a first and a second conductive layer within the disc. Therefore, Claims 2, 5, 10, 13 are believed to be allowable in view of the foregoing amendment.

The Office Action objects to Claims 11 and 12 under the provisions of 37 CFR §1.75(c) as being improper because they are multiple dependent claims. The foregoing amendment has corrected this oversight.

The Office Action objects to Claims 6-8 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 6-8 are believed to be allowable in view other foregoing amendment and remarks above discussed above. The Applicants, respectfully, point out that portions of Claim 8 have been incorporated into independent Claim 1 and 13.

The Examiner states that Claim 9 would be allowable if rewritten to overcome the

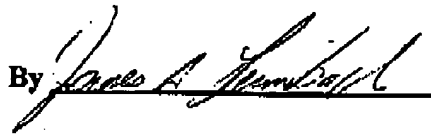
rejections under 35 U.S.C. §112, second paragraph, as set forth in this Office Action, including all of the limitations of the base claim and any intervening claims. Claim 9 has been rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph. Additionally, Claim 9 is believed to be allowable for the above states reasons related to the foregoing amendment and remarks.

New Claims 15-21 have been added by the foregoing amendment that are of similar scope as Claims 1-13, and believed to be allowable for the reasons discussed above. Therefore, entry of Claims 1-13 will not introduce new matter into the present application for invention.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

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